

Victor G. Savikas (State Bar No. 145658)
Kevin G. McBride (State Bar No. 195866)
Maria K. Nelson (State Bar No. 155608)
JONES DAY
555 South Flower Street
Fiftieth Floor
Los Angeles, CA 90071
Telephone: (213) 489-3939
Facsimile: (213) 243-2539
vgsavikas@jonesday.com
kgmcbride@jonesday.com
mknelson@jonesday.com

Tharan Gregory Lanier (State Bar No. 138784)
JONES DAY
2882 Sand Hill Road, Suite 240
Menlo Park, CA 94025-7064
Telephone: (650) 739-3939
Facsimile: (650) 739-3900
tglanier@jonesday.com

Attorneys for Defendant
THE DIRECTV GROUP, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Case No. C-05-01114 JW (HRL)

MDL No. 1665

IN RE ACACIA MEDIA
TECHNOLOGIES CORPORATION

PROOF OF SERVICE

Hearing Date: September 8, 2005

Hearing Time: 9:00 a.m.

Courtroom: Honorable James Ware

AND ALL RELATED AND/OR
CONSOLIDATED CASE ACTIONS

1 I, Chuesca M. Tartalone, declare:

2 I am a citizen of the United States and employed in Los Angeles County, California. I am
3 over the age of eighteen years and not a party to the within-entitled action. My business address
4 is 555 West Fifth Street, Suite 4600, Los Angeles, California 90013-1025. On July 29, 2005, I
5 served a copy of the within document(s):

6 **DEFENDANT DIRECTV GROUP, INC.'S NOTICE OF**
7 **MOTION AND MOTION FOR RECONSIDERATION OF**
8 **THE COURT'S CONSTRUCTION OF THE TERM**
9 **"TRANSCIEVER"; MEMORANDUM OF POINTS AND**
10 **AUTHORITIES IN SUPPORT THEREOF**

11 **DECLARATION OF CHARLES C. WONG**

12 **DECLARATION OF ANDREW LIPPMAN IN SUPPORT OF**
13 **DEFENDANT DIRECTV GROUP, INC.'S MOTION FOR**
14 **RECONSIDERATION OF THE COURT'S CONSTRUCTION**
15 **OF THE TERM "TRANSCIEVER"**

16 **DEFENDANT DIRECTV GROUP, INC.'S PROPOSED**
17 **TERMS FOR RECONSIDERATION, PRELIMINARY**
18 **CONSTRUCTIONS AND EXTRINSIC EVIDENCE (PATENT**
19 **L.R. 4-1 AND 4-2)**

- 20 ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set
21 forth below on this date before 5:00 p.m. on the **attached Service List**
- 22 ☒ by placing the document(s) listed above in a sealed envelope with postage thereon
23 fully prepaid, in the United States mail at Los Angeles, California addressed as set
24 forth on the **attached Service List**
- 25 ☐ by placing the document(s) listed above in a sealed _____ envelope and
26 affixing a pre-paid air bill, and causing the envelope to be delivered to a
27 agent for delivery.
- 28 ☐ by personally delivering the document(s) listed above to the person(s) at the
address(es) set forth below.

29 I am readily familiar with the firm's practice of collection and processing correspondence
30 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
31 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
32 motion of the party served, service is presumed invalid if postal cancellation date or postage
33 meter date is more than one day after date of deposit for mailing in affidavit.

1 I declare under penalty of perjury under the laws of the State of California that the above
2 is true and correct.

3 Executed on July 29, 2005, at Los Angeles, California.

4
5 /s/
Chuesca Tartalone

**SERVICE LIST
(BY U.S. MAIL)**

Alan P. Block, Esq.
Kevin I. Shenkman, Esq.
HENNIGAN, BENNETT & DORMAN LLP
RODERICK G. DORMAN
601 South Figueroa Street, Suite 3300
Los Angeles, California 90017
Counsel for:
Acacia Media Technologies Corporation

Juanita R. Brooks
Todd G. Miller
FISH & RICHARDSON
12390 El Camino Real
San Diego, California 92130-02081
Counsel for:
**New Destiny Internet Group LLC; Audio
Communications; VS Media Inc.; Ademia
Multimedia LLC; Adult Entertainment
Broadcast network; Cyber Trend Inc.;
Lightspeedcash; Adult Revenue Services;
Innovative Ideas International; Game Link
Inc.; Club Jenna Inc.; CJ Inc.; Global AVS
Inc.; ACMP LLC; Cybernet Ventures Inc.**

Jonathan E. Singer
William R. Woodford
FISH & RICHARDSON
60 South Sixth Street, Suite 3300
Minneapolis, Minnesota 55402
Counsel for:
**New Destiny Internet Group LLC; Audio
Communications; VS Media Inc.; Ademia
Multimedia LLC; Adult Entertainment
Broadcast network; Cyber Trend Inc.;
Lightspeedcash; Adult Revenue Services;
innovative Ideas international; Game Link
Inc.; Club Jenna Inc.; CJ Inc.; Global AVIS
Inc.,; ACMP LLC; Cybernet Ventures Inc.**

Victor De Gyarfas
William J. Robinson
FOLEY & LARDNER
2029 Century Park E. 35th Floor
Los Angeles, California 90067
Counsel for:
International Web Innovations, Inc.

Gary A. Hecker
James Michael Slominski
HECKER LAW GROUP
1925 Century Park East, Suite 2300
Los Angeles, California 90067
Counsel for:
Offendale Commercial Limited BV

Mark D. Schneider
GIFFORD, KRASS, GROH, SPRINKLE,
ANDERSON AND CITKOWSKI
280 N. Old Woodward Avenue, Ste. 400
Birmingham, Michigan 48009-5394
Counsel for:
Askcs.com Inc.

1 Dan Fingerman
2 MOUNT & STOELKER, P.C.
3 River Park tower, 17th Floor
4 333 W. San Carlos St.
5 San Jose, California 95110
6 **Counsel for:**
7 **Askcs.com Inc.**

David Allen York
LATHAM & WATKINS
135 Commonwealth Drive
Menlo Park, California 94025
Counsel for:
AP Net Marketing Inc.; ICS Inc.

8 Rachel Krevans
9 Jason A. Crotty
10 Paul A. Friedman
11 MORRISON & FOERSTER LLP
12 425 Market Street
13 San Francisco, California 94105-2482
14 **Counsel for:**
15 **Echostar satellite LLC; Echostar**
16 **Technologies Corporation; Echostar**
17 **Communications Corporation**

Annemarie A. Daley
Stephen P. Safranski
ROBINS KAPLAN MILLER & CIRESI LLP
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, Minnesota 55402
Counsel for:
Coxcom, Inc.; Hospitality Network, Inc.

18 Richard R. Patch
19 J. Timothy Nardell
20 COBLENTZ, PATCH, DUFFY & BASS LLP
21 One Ferry Building, Ste. 200
22 San Francisco, California 94111-4213
23 **Counsel for:**
24 **Coxom, Inc.; Hospitality Network, Inc.**

Jeffrey H. Dean
Kevin D. Hoag
Bradford P. Lyerla
Carl E. Myers
MARSHALL GERSTEIN & BORUN LLP
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Counsel for:
Charter Communications, Inc.; Armstrong
Group; East Cleveland TV and
Communications LLC; Massillon Cable TV,
Inc.; Wide Open West, LLC

25 William R. Overend
26 Morgan D. Tovey
27 Reed Smith Crosby heafey
28 Two Embracadero Center, Suite 2000
San Francisco, California 94111
Counsel for:
Charter Communications, Inc.

Daralyn J. Durie
Joshua H. Lerner
David J. Silbert
KEKER & VAN NEST LLP
710 Sansome Street
San Francisco, California 94111
Counsel for:
Comcast Cable Communications, LLC

1 Stephen E. Taylor
2 TAYLOR & CO. LAW OFFICES, INC.
3 One Ferry Building, Suite 355
4 San Francisco, California 94111
5 **Counsel for:**
6 **Mediacom Communications Corporation**

Mitchell D. Lukin
BAKER BOTTS L.L.P.
One Shell Plaza
910 Louisiana
Houston, Texas 77022
Counsel for:
Mediacom Communications Corporation

7 Jeffrey D. Sullivan
8 Michael J. McNamara
9 BAKER BOTTS L.L.P.
10 30 Rockefeller Plaza
11 New York, New York 10112
12 **Counsel for:**
13 **Mediacom Communications Corporation**

Rececca Anne Bortolotti
John Christopher Reich
Albert L. Underhill
Merchant & Gould
80 S. 8th Street, suite 3200
Minneapolis, Minnesota 55402
Counsel for:
**Arvig Communications Systems; Cannon
Valley Communications, nc.; Loretel
Cablevision; Mid-Continent Media, nc.;
Savage Communications, Inc.; Sjoberg's
Cablevision, Inc.; US Cable Holdings LP**

14 Sean David Garrison
15 Robert Francis Copple
16 LEWIS & ROCA LLP
17 40 N. Central Avenue
18 Phoenix Arizona 85004-4429
19 **Counsel for:**
20 **Cable America Corp.**

C. Mark Kittredge
PERKINS COIE BROWN & BAIN PA
P.O. BOX 400
Phoenix, Arizona 85001-0400
Counsel for:
Cable One Inc.

21 Troy Blinn Forderman
22 George Chun Chen
23 BRYAN CAVE LLP
24 2 N. Central Avenue, Suite 2200
25 Phoenix, Arizona 85004-4406
26 **Counsel for:**
27 **Cable System Service Inc.**

Gregory T. Spalj
FABYANSKE WESTRA & HART PA
800 Lasalle Avenue, Suite 1900
Minneapolis, Minnesota 55402
Counsel for:
Cable System Service, Inc.

28 Patrick J. Whalen
SPENCER FAN BRITT 7 BROWN LLP
1000 Walnut Street, Suite 1400
Kansas City, Missouri 64106
Counsel for:
NPG Cable Inc.

Fritz Byers
520 Madison Avenue
Toledo, Ohio 43604
Counsel for:
Block Communications, Inc.

1
2
3 Clay K. Keller
4 Buckingham, Doolittle & Burroughs
5 50 South Main Street
6 Akron , Ohio 44308
7
8 **Counsel for:**
9 **Nelsonville TV Cable, Inc.**

Melissa G. Ferrario
Barry S. Goldsmith
Gary H. Nunes
Womble Carlyle Sandridge & Rice
8065 Leesburg Pike, Fourth Floor
Tysons Corner, VA 22182
Counsel for:
Nelsonville TV Cable, Inc.

8 Christopher C. Fagan
9 FAY SHARP FAGAN MINNIH & MCKEE
10 1100 Superior Avenue, Seventh Floor
11 Cleveland, Ohio 44114-2518
12 **Counsel for:**
13 **Armstrong Group; East Cleveland TV and**
14 **Communications LLC; Massillon Cable TV,**
15 **Inc.; Wide Open West, LLC**

Stephen S. Korniczky
PAUL HASTINGS JANOFSKY & WALKER
LLP
3579 Valley Centre Drive
San Diego, California 92130
Counsel for:
Cebridge Connections

13 Mark Anchor Albert
14 Hennigan Bennett & Dorman LLP
15 601 S. Figueroa Street
16 Suite 3300
17 Los Angeles, CA 90017

Adam Robert Alper
Latham and Watkins
135 Commonwealth Drive
Menlo Park, CA 94025

16 Jay R. Campbell
17 Renner Otto Boisselle & Sklar LLP
18 Keith Bldg.
19 1621 Euclid Avenue, 19th Floor
20 Cleveland, OH 44115

David C. Doyle
Morrison & Foerster LLP
3811 Valley Centre Dr., Ste. 500
San Diego, CA 92130

20 James V. Fazio
21 Paul Hastings Janofsky & Walker LLP
22 3579 Valey Centre Drive
23 San Diego, CA 92130

Mark c. Johnson
Renner Otto Boisselle & Sklar
19th Floor
1621 Euclid Avenue
Cleveland, OH 44115

23 Matthew I. Kreeger
24 Morrison & Ferster LLP
25 425 Market Street
26 San Francisco, CA 94105-2482

Christopher S. Marchese
Fish & Richardson
12390 El Camino Real
San Diego, CA 92130-2081

1 Carl E. Myers
2 Marshall Gerstein & Borun
3 6300 Sears Tower
4 233 South Wacker Drive
5 Chicago, IL 60606

David P. Pearson
Winthrop & Weinstine, PA
225 S. 6th Ste. 3500
Minneapolis, MN 55415

5 Andrew D. Raymond
6 Marshall Gerstein & borun LLP
7 6300 Sears Tower
8 233 South Wacker Drive
9 Chicago, IL 60606-6357

John C. Reich
Merchant & Gould
80 S. 8th Street
Suite 3200
Minneapolis, MN 55402

8 Mark D. Schneider
9 Gifford Krass Groh Sprinkle Anderson &
10 Ctkowski, P.C.
11 2701 Troy Center Drive
12 Suite 330
13 P.O. Box 7021
14 Troy, MI 48007-7021

Douglas W. Sprinkle
Gifford Krass Groh Sprinkle Anderson &
Citkowski, P.C.
2701 Troy Center Drive, Suite 330
P.O. Box 7021
Troy, MI 48007-7021

13 Albert L. Underhill
14 Merchant & Gould
15 80 S. 8th Street
16 Suite 3200
17 Minneapolis, MN 55415

16 **VIA FEDERAL EXPRESS**

18 The Clerk's Office
19 **Honorable James Ware**
20 United States District Court
21 Northern District of California
22 San Jose Division
23 280 South 1st Street
24 San Jose, CA 95113
25 **Case No. C-05-01114 JW (HRL)**
26 **E-filing Chambers Copy**